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FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING  
2018 MAY -3 PM 2:33  
STEPHAN HARRIS, CLERK  
CHEYENNE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

SARAH MOUNTAIN,  
  
Plaintiff,

v.

COMMUNITY HEALTH CENTER OF  
CENTRAL WYOMING, INC.,  
  
Defendant.

No. 18-cv-72-F

**NOTICE OF REMOVAL**

COMES NOW the United States of America, by and through Nicholas Vassallo, Assistant United States Attorney, and gives notice of removal of the above-captioned civil action pursuant to 42 U.S.C. § 233(c) and states as follows:

1. Community Health Center of Central Wyoming, Inc., ("CHCCW") is named as a Defendant in a medical malpractice civil action, *Sarah Mountain v. Community Health Center of Central Wyoming, Inc.*, case no. CV-104365, filed in the District Court for the Seventh Judicial District, Natrona County, State of Wyoming.

2. Plaintiff filed that action on or about March 6, 2018, and the suit has not yet proceeded to trial.

3. Attached to this Notice of Removal as Exhibit 1 are copies of all the pleadings filed in the District Court for the Seventh Judicial District, Natrona County, State of Wyoming, in this action that have been received by and are in the possession of the United States.

4. The above-referenced Wyoming State Court action is properly subject to removal because the Secretary of Health and Human Services, in accordance with the Federally Supported Health Centers Assistance Act (the “Act”), 42 U.S.C. § 233(g)–(n), deemed CHCCW to be covered by the provisions of the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1356(b), 2401(b), 2671-80, for damages for personal injury, including death, resulting from the performance of medical, surgical, dental and related functions, and the remedy against the United States under the FTCA is exclusive of any other civil action or proceeding. CHCCW was deemed covered by the Act for all times relevant to the allegations contained in the Complaint.

5. Congress has provided that, upon certification by the Attorney General or his designee that the defendant was acting in the scope of its employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a state court shall be removed at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of Title 28 of the United States Code. 42 U.S.C. § 233(c); 28 U.S.C. §§ 1346(b), 2671 *et seq.*

6. Filed with this Notice of Removal as Exhibit 2 is a Certification by Mark A. Klaassen, United States Attorney for the District of Wyoming, that CHCCW is an entity deemed by the Secretary of Health and Human Services to be an employee of the Public Health Service pursuant to 42 U.S.C. § 233(g), and certifying that CHCCW was acting within the scope of its federal employment at the time of the incident giving rise to this suit.

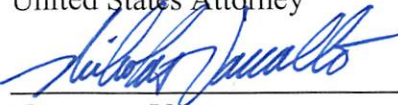
7. The authority to certify scope of office or employment has been delegated to the United States Attorney. *See* 28 C.F.R. § 15.4.

8. Defendant CHCCW is covered by the provisions of the FTCA. 42 U.S.C. §233(a). Accordingly, pursuant to 42 U.S.C. §233(c), the action identified above is hereby removed to this Court from the District Court for the Seventh Judicial District, Natrona County, State of Wyoming.

Dated this 3<sup>rd</sup> day of May, 2018.

MARK A. KLAASSEN  
United States Attorney

By:



NICHOLAS VASSALLO  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify on the 3rd day of May, 2018, I served a true and correct copy of the foregoing **Notice of Removal** upon the following by the methods indicated below:

M. Kristeen Hand  
John Graham  
The Spence Law Firm  
P.O. Box 548  
Jackson, WY 83001

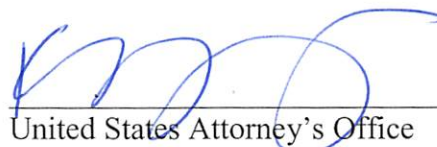
☐ By Facsimile  
☒ By U.S. Mail - postage prepaid  
☐ By Hand Delivery  
☐ By Overnight Courier

Stephenson Emery  
Williams, Porter, Day & Neville, PC  
P.O. Box 10700  
Casper, WY 82602

☐ By Facsimile  
☒ By U.S. Mail - postage prepaid  
☐ By Hand Delivery  
☐ By Overnight Courier

Natrona County District Clerk  
Seventh Judicial District  
Townsend Justice Center  
115 North Center Street  
Casper, WY 82601

☐ By Facsimile  
☒ By Federal Express  
☐ By Hand Delivery  
☐ By Overnight Courier

  
United States Attorney's Office